Sub-part 7501 - Maintenance

Chapter 04010 Agreement, Form MND-012

Purpose

- 100 To provide an agreement form to be used, when required by MDOT, for applicant's applying for right of way encroachment permits.
- This rule establishes an agreement form to be used, when required by MDOT, to accompany a performance bond on work performed, by permit, on MDOT right of way. See Attached form, MND 012.

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MISSISSIPPI DEPARTMENT OF TRANSPORTATION

		AGREEM	ENT			
- This	agreement	entered	into	by	and	between
of		hereinafter	"Applie	ant" ar	i d the	Mississipp i
	on Commissi			The second secon		
		authorized to				he right of
way of High	vay No. in					
County, Miss	sissippi, Permit No),				
WHE	REAS, The Appli	icant has sub	mitted an	applicat	ion and p	lans to the
Mississippi [Fransportation C	ommission, a	eting by	and thre	ugh the	Mississippi
Department	of Transportation	ı, hereinafter	"Departn	ient", foi	the cons	truction of
said facilities	: and					
WHERE.	AS, the parties	have agreed	that the	facility	will be c	onstructed
according to	said plans along s	aid highway.				
NOW T	HEREFORE, in	consideration	of the r	nutual p	romises l	ierein, the
Commission	and Applicant agr	ree as follows:				
	commission agrees					THE RESERVE OF THE PERSON NAMED IN
	ighway right of v					
	ded to the Depa			ave beer	approv	ed by the
	tment and referer					•
	Applicant agrees t					
	and will not var		ACCORDING TO SELECTION OF THE PARTY OF THE P	CONTRACTOR OF THE PARTY OF THE	THE RESERVE OF THE PARTY OF THE	DESCRIPTION OF THE PROPERTY OF
	Maintenance Engi					
3. The	Applicant agrees	to construct	said facil	ities in	accordanc	e with all
	il and state regul a		Control of the Contro	100	Tokas (Swor)	
to the	highway right of	way, shoulder	s, and dra	inage fac	ilities as r	equired by
the pe						
4. The	Applicant agrees	to post a pe	rformane	e bond (on Form	MND-603,
<u>eashie</u>	er's check o	r certified	eheek	in	the an	i ount of
\$						isportation
	nission, with said					
until s	uch time as all sti	pulations in th	ie permit (and appro	oved plans	have been
eompl	ied with and re	elease is mad	le by the	Execut	ive Direc	tor of the
Depar	tment. At such ti	me as said req	uirements	have bee	en fulfilled	, the bond,
eashie	er's check or cer	tified check	is to be	returned	to said	Applicant.
	ver, if said Applie					
caticfo	etion of the Done	etmont and C	ammicciar	the Sur	oty or the	Applicant

will be firmly bound to the State of Mississippi for the performance of any work not done or work not approved by said Department as well as any damages which result from the Applicant's actions.

IN W	ITNESS WH	EREOF.	the unde	rsigned	partic	es has	caus	ed the	signa	tures o
their	appropriate		entatives			ixed	on		the	day
of	,20			34						
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=						<u>H</u>	ıdivid	ual - C	ompar	<u>ıy</u>
By:					= 1	—В	y:			
=	Execu	tive Dire	etor							
ATTI	EST:				=					
	Secre	tary								
Enter	ed in the Com	mission's	Minute B	ook No		(/	Agree	ment m	ust be	
prope	rly	, Pa	ige		, thi	s ex	cecute	d to ide	entify	
applic	eant and									
the	day of		, 20			p	erson	signin	g ag	reemen
and						n	otariz	e d).		
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Sub-part 7501 - Maintenance

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MND-012 REV:XX-XX

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

ACREEMENT

THE THE STATE OF T
This agreement entered into by and between
of , hereinafter "Applicant" and the Mississipp
Transportation Commission, hereinafter "Commission" whereby
is authorized to on the right of
way of Highway No. in
County, Mississippi, Permit No.
COURTLY ATTRIBUTED POR E CLARE TYO
WHEREAS, The Applicant has submitted an application and plans to the
Mississippi Transportation Commission, acting by and through the Mississippi
Department of Transportation, hereinafter "Department", for the construction of
said facilities: and
said racings. Bitt
WHEREAS, the parties have agreed that the facility will be constructed
according to said plans along said highway.
NOW THEREFORE in consideration of the mutual promises havein the
NOW THEREFORE, in consideration of the mutual promises herein, the
Commission and Applicant agree as follows:
1. The Commission agrees to allow the Applicant to construct its facility on the
1. The Commission agrees to allow the Applicant to construct its facility on the
said highway right of way according to the plans which the Applicant has
provided to the Department and which have been approved by the
Department and referenced by Permit No.
2. The Applicant agrees to construct its facilities according to said approved
plans and will not vary therefrom without express written consent of the
State Maintenance Engineer or his/her designee of the Department.
3. The Applicant agrees to construct said facilities in accordance with all
federal and state regulations as shown on the permit and to repair damages
to the highway right of way, shoulders, and drainage facilities as required by
the permit.
4. The Applicant agrees to post a performance bond on Form MND 603,
cashier's check or certified check in the amount of
\$ payable to the Mississippi Transportation
Commission, with said bond, cashier's cheek or certified cheek being held
until such time as all stipulations in the permit and approved plans have been
complied with and release is made by the Executive Director of the
Department. At such time as said requirements have been fulfilled, the bond,
cashier's check or certified check is to be returned to said Applicant.
However, if said Applicant has not fulfilled the terms of this agreement to the
satisfaction of the Department and Commission, the Surety or the Applicant

will be firmly bound to the State of Mississippi for the performance of any work not done or work not approved by said Department as well as any damages which result from the Applicant's actions.

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applicant	and							
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